

# SUMMARY OF ETHICS RULES ECONOMICS AND STATISTICS ADMINISTRATION 2010

ECONOMICS AND STATISTICS ADMINISTRATION - BEA - CENSUS - STAT-USA - ESA - BEA - STAT-USA - CENSUS - ECONOMICS AND STATISTICS ADMINISTRATION - CENSUS - BEA - STAT-USA - ESA - STAT-USA - CENSUS - BEA - ECONOMICS AND STATISTICS ADMINISTRATION - BEA - CENSUS - **STAT-USA** - ESA - BEA - STAT-USA - CENSUS - ECONOMICS AND STATISTICS ADMINISTRATION - CENSUS - BEA - STAT-USA - ESA - STAT-USA - CENSUS - BEA - ECONOMICS AND STATISTICS ADMINISTRATION - BEA - CENSUS - STAT-USA - ESA - BEA - CENSUS - STAT-USA - ECONOMICS AND STATISTICS ADMINISTRATION - BEA - STAT-USA - CENSUS - ESA - CENSUS - **BEA** - STAT-USA - ECONOMICS AND STATISTICS ADMINISTRATION - STAT-USA - CENSUS - BEA - ESA - BEA - **CENSUS** - STAT-USA - ECONOMICS AND STATISTICS ADMINISTRATION - BEA - STAT-USA - CENSUS - ESA - CENSUS - BEA - STAT-USA - ECONOMICS AND STATISTICS ADMINISTRATION - BEA - CENSUS - STAT-USA - ESA - BEA -

ETHICS LAW AND PROGRAMS  
DIVISION  
OFFICE OF THE ASSISTANT  
GENERAL COUNSEL FOR  
ADMINISTRATION  
UNITED STATES DEPARTMENT  
OF COMMERCE  
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## PUBLIC SERVICE IS A PUBLIC TRUST

As an employee of the Economics and Statistics Administration (ESA), you have been placed in a position of trust and are held to a high standard of ethical conduct. This handout contains a summary of the rules set forth in conflict of interest statutes and the *Standards of Ethical Conduct for Employees of the Executive Branch*. You should retain this handout for use as a reference source. The first part of the handout contains a basic summary of ethics rules; the second part provides specific guidance for ESA employees regarding some of the ethics rules.

**For advice about ethics rules, contact the Ethics Law and Programs Division of the Office of the Assistant General Counsel for Administration, U.S. Department of Commerce, at 202-482-5384 or [ethicsdivision@doc.gov](mailto:ethicsdivision@doc.gov).**

Designated Agency Ethics Official:  
Cameron F. Kerry, General Counsel

Alternate Designated Agency Ethics Official:  
Barbara S. Fredericks, Assistant General Counsel for Administration

### **Office of the Assistant General Counsel for Administration**

To obtain legal advice regarding other administrative law issues, call the:

Employment and Labor Law Division at 202-482-5017 – for advice regarding personnel law and labor law issues

General Law Division at 202-482-5391 – for advice regarding appropriations laws and laws regarding the release of information, conduct of advisory committee meetings, and general administrative law issues.

**Office of Inspector General** – The Ethics Law and Programs Division provides advice but does not investigate allegations of violations of law. To report fraud, waste, abuse, or other violations of law, or to request an investigation, call the Office of Inspector General Hotline at 800-424-5197 or 202-482-4661 or email [hotline@oig.doc.gov](mailto:hotline@oig.doc.gov).



## FINANCIAL CONFLICTS OF INTEREST

ESA

### **Basic Principle: No Self-Dealing**

**General Rule.** You may not participate as an ESA employee in a matter that will have a direct and predictable effect on your financial interests; on the financial interests of your spouse, minor children, household members, general partners, outside employers, or prospective employers; or on the financial interests of an organization in which you serve as a trustee, officer, or board member. This includes a matter that affects a company in which you own stock.

**Exemptions from the General Rule.** Exemptions permit you to participate in matters affecting a financial interest if the financial interest is:

- a holding in a diversified mutual fund;
- a holding in an industry sector-specific mutual fund or geographic sector-specific mutual fund of \$50,000 or less (if interests in all such funds in the same sector are \$50,000 or less);
- a publicly-traded stock or bond holding of \$15,000 or less;
- a publicly-traded stock or bond holding of \$25,000 or less with regard to a matter in which the entity is not a named party (and if total holdings in all affected entities are \$25,000 or less or, if it is a broad policy matter, if total holdings in the industry or group affected by the matter are \$50,000 or less); or
- not substantial and for which you have received a conflict of interest waiver through the Ethics Law and Programs Division. (Such waivers are generally available only for employees serving overseas under current Department policy.)

**Waivers.** Waivers of the disqualification requirement may be granted with regard to interests that are not covered by one of the exemptions but that are not substantial; however, current Department policy is to rely on the exemptions listed above rather than issue individual waivers. Nevertheless, if you believe that a waiver is appropriate in a particular case, contact the Ethics Law and Programs Division at 202-482-5384.



## APPEARANCES OF BIAS (NON-FINANCIAL CONFLICTS OF INTEREST)

ESA

### Basic Principle: No Special Favors

**Appearances of Impropriety concerning Participating in Matters Involving Relatives and Associates.** Unless you receive specific authorization, you may not participate in a matter as an ESA employee if one of the parties to the matter is (or is represented by) a person with whom you have a close family or business relationship (a “covered relationship”), if your participation would create an appearance of loss of impartiality.

Persons with whom you are considered to have a “covered relationship” include:

- persons with whom you have or are seeking a business or a financial relationship (other than a routine consumer transaction);
- members of your household;
- your close relatives;
- employers and clients of your parents, dependent children, and spouse (and their prospective employers and clients);
- former non-Federal employers and clients (for a one-year period, or a two-year period if you received an extraordinary severance payment from the former employer before entering into Federal service); and
- organizations in which you are an active participant (other than political organizations).

In addition, if you are a non-career (political) appointee and served as a registered lobbyist at any point in the two-year period before your appointment, for two years you may not work as a Federal employee on any matter on which you provided lobbying services or on any matter within the specific issue area on which you lobbied.

**Exceptions.** Authorization to participate in a matter in which one of these persons or entities is a party (or represents a party) may be granted if ESA’s need for your participation outweighs appearance concerns. To seek such an authorization, contact the Ethics Law and Programs Division at 202-482-5384.



## GIFTS, BRIBES, AND SALARY SUPPLEMENTATION

ESA

### Basic Principle: Avoid Undue Influence

**Bribes and Salary Supplementation.** You may not ask for or accept payment for taking or failing to take action as a Federal employee or for performing your Government job.

**Personal Gifts.** Generally, you may not accept a gift from anyone who has (or is seeking) a contract, grant, or other business with the Department; that is regulated by the Department; or has interests that may be affected by performance of your ESA duties or which is offered because of your ESA position. This usually includes gifts to your spouse or minor child. However, *exceptions* permit you to accept:

- gifts of \$20 or less (other than cash) (up to \$50 per year from the same donor);\*
- gifts from relatives or friends (if based on a personal relationship);
- invitations to widely-attended events (if from the host (generally) and if your supervisor approves your attendance as being in the ESA's interest);\*
- discounts available to a broad range of persons;
- awards and honorary degrees (in specified circumstances);\*
- meals, lodging, transportation, and other benefits based on outside employment;
- business meals overseas, if a foreign citizen is present (to the city's *per diem*);\* and
- gifts from a foreign government of \$335 or less—gifts of over \$335 may be accepted, but become property of the United States Government.

*\* this exception does not apply if you are a political appointee and the gift is from a lobbyist or lobbying organization other than a 501(c)(3) organization or a media company*

**Gifts between Employees.** In general, you may not offer a gift to a supervisor or accept a gift from a subordinate. However, *exceptions* permit you to accept or give:

- a gift for a major life event (such as a child's birth, a retirement, or a wedding);
- items of \$10 or less given occasionally;
- food shared in the office; and
- personal hospitality at one's home or a gift to a host or hostess.

**Gifts to ESA.** With approval, you may accept a gift for ESA activities, including travel (if unsolicited), if it would not appear improper; gifts from someone with a grant, contract, or controversial matter before ESA are usually not acceptable.



## OUTSIDE EMPLOYMENT AND ACTIVITIES

ESA

### **Basic Principle: Avoid Divided Loyalties**

**General Rule on Outside Employment.** You may not engage in outside employment or any other outside activity that conflicts with your ESA position, including employment that requires disqualification from significant Government duties and activities that create an appearance of using public office for private gain. There are special rules for practicing law, writing or teaching for compensation, and working overseas. Furthermore, special rules apply regarding the outside activities of political appointees. Call the Ethics Law and Programs Division for specific advice regarding these special rules.

**Working for a Foreign Government.** The U.S. Constitution bars you from working for, or accepting any compensation from, a foreign government, absent statutory approval.

**General Rule on Contacting the Government and Receiving Payments for Communications by Others.** You may not, in general, act as an agent or attorney or, if paid, otherwise represent anyone before any Federal agency or Federal court in your personal capacity. Representation includes any contact made on behalf of someone else with the intent to influence Government action. In addition, you are barred from receiving any payment that is based on the representational activities of someone else, such as a partner, before a Federal agency or Federal court during a period in which you served as a Federal employee.

**Exceptions to the Rule on Contacting the Government.** You may represent other Federal employees in some personnel disputes if you do not receive compensation and you may represent your parents, spouse, or children, or an estate or trust, if you receive prior approval. You also may represent, without compensation, professional, recreational, and similar groups before the Government if the majority of the organization's members are Federal employees or their spouses or dependents, and if the matter does not involve claims against the Government, proceedings in which the organization is a party, or Government financial benefits to the organization. Contact the Ethics Law and Programs Division (202-482-5834) if you need to obtain prior approval or advice.



## POLITICAL ACTIVITIES

ESA

### **Basic Principle: Keep Government and Political Activities Separate**

**General Restrictions concerning Engaging in Political Activities.** You may not engage in partisan political activities while on Government premises or while on official duty. You also may not use the authority of your Government position or Government resources, including equipment, services, or your official title, in connection with partisan political activities. In addition, you may not:

- accept or receive a political contribution;
- personally solicit political contributions or host a political fund-raiser;
- run as a candidate in a partisan election (except as an independent candidate in local elections in the Washington, D.C. suburbs and other designated areas); or
- solicit or accept volunteer services from a subordinate.

(However, an exception to the rule against political fund-raising lets a union member solicit other union members who are not subordinates for contributions to a multi-candidate political committee of the union.)

**Permissible Activities.** Except as indicated in the above restrictions, you may actively engage in political campaign activities during non-duty hours (unless you are a career member of the SES or an administrative law judge). Permissible activities include:

- assisting in the management of a campaign;
- serving as an officer in a political organization;
- soliciting votes (but not funds) for a candidate;
- giving speeches on behalf of a candidate or party;
- making telephone calls or stuffing envelopes on behalf of a campaign; and
- speaking at a fund-raising event (if you do not ask for funds and are listed as a guest or speaker and not as a host of the event).

**Special Rules for Career SES Members and Administrative Law Judges.** If you are a career member of the Senior Executive Service or an Administrative Law Judge, you may not actively assist in the conduct of a partisan campaign or serve as an officer in a political organization, even during non-duty hours. However, during non-duty hours you may actively participate in nonpartisan elections and non-candidate campaigns, such as for referenda. Regarding partisan candidate campaigns, you may vote, make contributions, sign nominating petitions, and engage in similar activities.



## MISUSE OF GOVERNMENT POSITION AND RESOURCES

ESA

### Basic Principle: Do Not Steal

**Use of Government Resources.** You may use Government resources only for authorized Government activities. Such resources include Government equipment, supplies, and services, and the time of Government personnel. You may not use nonpublic information you receive as a Federal employee for personal purposes. You may, however, use frequent flier miles and other benefits you earned from Government travel for personal purposes, including personal travel or upgrades for official travel.

**Rule on the Use of the Internet and E-mail.** You may use access to e-mail and to the internet for personal activities if such use does not interfere with the business of your office and is not prohibited by your agency, *provided that* you do not use access for:

- engaging in prohibited discriminatory conduct;
- the pursuit of private commercial business activities or profit-making ventures;
- partisan political activities;
- prohibited lobbying activities;
- uses that result in additional charges to the Government;
- obtaining or viewing sexually explicit material;
- any activity that would bring discredit on the Department; or
- any violation of a statute or regulation.

You may also use office printers for personal internet and e-mail uses, provided it does not consume excessive resources.

**Use of Government Position.** You may not use your Government authority, including business contacts obtained through your Government employment, for personal activities. In addition, you may not use your ESA title in connection with a non-Government activity, except that you may use your Government title in connection with personal activities as part of general biographical data if it is given no more prominence than other significant biographical details.

If you are a political appointee (non-career employee), you are specifically required by an Ethics Pledge you signed to make hiring and employment decisions based on the candidate's qualifications, competence, and experience.





## SEEKING EMPLOYMENT AND POST-EMPLOYMENT ACTIVITIES

ESA

### **Basic Principle: Avoid Divided Loyalties**

**Seeking Employment.** Once you begin to seek non-Federal employment, you must disqualify yourself from working as an ESA employee on any matter that will affect a prospective employer. This disqualification continues until either you or the prospective employer indicate a decision not to pursue the matter further (or until two months with no response after submitting a résumé). If you are participating in a procurement over \$100,000, you must give written notice to your supervisor and the Ethics Law and Programs Division of employment contacts with or from a competing contractor.

**Post-Employment Restrictions.** After you leave Federal service, you may not:

- contact a Federal agency or court on behalf of someone else concerning a specific-party matter you worked on;
- for two years, contact a Federal agency or court on behalf of someone else concerning a specific-party matter on which a subordinate of yours worked or which was otherwise under your responsibility during your last year of Federal service;
- for one year if you are a senior career employee or two years if you are a senior political appointee (have an annual base pay of \$155,440 or more), contact ESA (excluding Census) or the Office of the Secretary (or the entire Department if you are a Presidential appointee) on behalf of someone else;
- for one year, if you are a senior employee, advise (or represent before the U.S. Government) a foreign government or foreign political party;
- disclose or use protected nonpublic Federal information, such as treaty negotiation information, private personnel information, trade secrets or proprietary business information, and national security information;
- for one year, accept compensation from the contractor of a \$10,000,000 or more procurement, if you served as a procurement official or program manager; or
- if you are a political appointee, for the remainder of the President's Administration, lobby any political appointee in the Executive Branch.

**Exceptions and Special Post-Employment Rules.** There are some exceptions to these rules, such as for providing testimony in some cases and for representing state and local governments, international organizations, and educational and medical institutions. Additional restrictions apply to attorneys, and to former employees who received buyouts. Contact the Ethics Law and Programs Division for a handout and advice.



## FINANCIAL DISCLOSURE

ESA

### Basic Principle: Tell the Whole Truth

**Guidelines for Filing a Financial Disclosure Report.** If you serve in a position in which your activities could have a substantial impact on the public, you may be required to file a financial disclosure report. Such reports are due when you are appointed to such a position and annually thereafter. The information requested on such forms—financial investments, liabilities, gifts, non-Federal positions, and arrangements with past and future employers—is information relevant to the ethics rules discussed in this handout. Ethics officials review the reports in order to identify potential conflicts of interest and to advise you on means to resolve any problem. For this system to work effectively, you must file your report on time and you must list all information requested as completely and clearly as possible.

**Specific Guidance.** When filling out your report, please:

- sign and date the report;
- if reporting an IRA or 401(k) plan, identify the specific holdings in the account;
- do not list as a gift payments for Government travel—these are gifts to the Government and should be reported on a Form CD 210 and a Form SF 326; and
- if listing an investment in, or position with, a closely-held company or partnership, identify the nature of the business and its location (city and state).

Remember that this information is used to provide advice to you, so the information you include on your report must be specific and complete in order to be useful.

**For further advice on ethics rules, contact the  
Ethics Law and Programs Division  
of the Assistant General Counsel for Administration,  
United States Department of Commerce, at  
202-482-5384 or [ethicsdivision@doc.gov](mailto:ethicsdivision@doc.gov).**



**GUIDANCE FOR EMPLOYEES  
OF THE  
ECONOMICS AND STATISTICS ADMINISTRATION**

ESA

## **Financial Conflicts of Interest**

Investments in Municipal Bonds – Although stock holdings often present financial conflicts of interest, for senior ESA officials and Census employees conflicts may also arise with regard to investments in municipal bonds and other state and local government securities. You may not participate as an ESA employee in any matter affecting your personal financial interests, which may include a state, local, or tribal government in which you hold a bond. A conflict may also be presented by a mutual fund if the fund is geographic-specific, invested in a locality in which you have official duties, and is more than \$50,000 in value (or if the total value of sector-specific funds invested in the same sector is more than \$50,000 in value).

Use of Inside Information for Personal Investments – As an ESA employee, you may have access to nonpublic information, particularly information regarding GDP (gross domestic product) figures and other sensitive economic data; it is important that you do not use any such information when making investment decisions and that you do not disclose such information to others.

## **Appearances of Bias (Non-Financial Conflicts of Interest)**

Participation in Professional Organizations – If, in a personal capacity, you are an active member of a professional organization, such as a member of an association of statisticians or economists, you will be barred from participating in ESA on matters in which that organization is a party or is representing a party. If this will interfere with your ESA duties, you should refrain from such activities or seek advice from the Ethics Law and Programs Division. If you are serving with an organization, you must be careful not to commingle your private and Government activities, such as by speaking at an organization event in your official capacity or while on Government time. If it is useful for your office to provide input to the organization, you may be permitted to serve as a liaison in an official capacity, but only if you do not also have a role with the organization in a private capacity. You may not serve in an official capacity as an officer or director of a non-Federal organization (unless it is a standards-setting body).

Employment After Serving as a Lobbyist – If you are a political appointee, you are required to sign a pledge agreeing that if you worked as a lobbyist (were required to register under the Lobbying Disclosure Act) or a lobbying organization, you will not seek or accept Federal employment with any Executive agency that you lobbied. In addition, as provided in the

Ethics Pledge, for two years after your appointment to the Government, you may not participate as a Government official in any matter on which you lobbied during the two years prior to your Federal employment or participate in the specific issue area in which such a matter falls. You should contact an attorney in the Ethics Law and Programs Division at 202-482-5384 for further guidance on this restriction if you have a question.

Authorization to Participate in a Matter Involving a Former Employer or Client – As noted in the summary of ethics rules, you generally may not participate in a matter if one of the parties is a former employer or client, or if one of the parties is represented by a former employer or client, for a period of one or two years (depending on severance payment arrangements and whether you are a political appointee). If it is important for ESA that you participate in the matter, notwithstanding the potential appearance problems, special authorization to participate is available through the Ethics Law and Programs Division.

### **Gifts, Bribes, and Salary Supplementation**

Gifts from Lobbyists and Lobbying Organizations to Political Appointees – If you are a political appointee, you are required to sign an Ethics Pledge agreeing not to accept gifts from lobbyists or lobbying organizations (persons required to register under the Lobbying Disclosure Act and organizations hiring such persons), in most cases even if an exception applies under the general ethics regulations relating to gifts. This ban on gifts from lobbyists does not apply, however, to gifts from 501(c)(3) organizations or media companies. However, if you are a political appointee, you may not accept from a lobbyist or lobbying organization: gifts of \$20 or less as well as gifts over than amount (unless an exception applies not related to the value of the gift); invitations to widely-attended gatherings (regardless of whether your supervisor signs an approval form); awards and honorary degrees; business meals overseas; and meals, lodging, transportation, and similar benefits based on an outside business relationship.

Widely-Attended Events – You may be invited to an event, such as a dinner, lunch, or reception, held by a company, organization, or government with interests in ESA activities. You may attend such an event if: (1) the value of the invitation is \$20 or less (and total gifts you received from the person or firm inviting you will remain \$50 or less for the year) or your supervisor approves your attendance as in the interest of ESA (and, if the invitation is not from the host, more than 100 persons are attending and the value per person is \$335 or less) and (2) if you are a political appointee, the invitation is not from a lobbyist or lobbying organization (unless it is a 501(c)(3) organization or a media company). To an event for which you received supervisory approval to attend, you may also bring your spouse or an accompanying guest if other persons invited are also allowed to bring a spouse or accompanying guest. However, you may not attend such an event if it is primarily entertainment in nature, such as a concert or sports event. A supervisor reviewing such a request for approval must carefully consider the benefit the agency will receive and determine whether there will be any adverse public reaction to an ESA employee attending the event and, if so, whether the benefit outweighs the appearance of

impropriety. To assist supervisors, the Ethics Law and Programs Division will provide a form for your supervisor to sign that describes all the factors that must be considered before approval is given.

Honoraria in Connection with Official Speaking Engagements – ESA has authority to accept travel payments in connection with official speaking engagements, if not solicited and if the circumstances would not be likely to create an appearance of loss of impartiality in the operation of agency activities. However, a Department policy bars agencies from accepting an honorarium in connection with an official speech or appearance.

Soliciting Gifts for ESA Programs – ESA may solicit, as well as accept, gifts (other than travel gifts) to support ESA programs, provided that the gifts do not present an appearance of loss of impartiality with regard to agency programs or employees. This authority has been used in the past to obtain funding in support of conferences and similar events. It is important that any solicitation program be conducted in a manner that ensures fairness and avoids any appearance of preferential treatment to donors with regard to agency operations. Thus, solicitations should be broad-based—made to trade associations or groups representing a broad spectrum of companies or to a broad spectrum of interested companies. Sponsorship arrangements may not include an agreement of exclusivity (i.e., sponsors may not bar acceptance of donations from competing companies) and may not include arrangements for donors to have special access to Government officials or to Government information. Before soliciting gifts, you should seek specific guidance from the Ethics Law and Programs Division at 202-482-5384.

Gifts from a Foreign Government – Due to a change in law in 2008, gifts from a foreign government of \$335 or less may be accepted and retained by an employee for personal use. Gifts of greater value are accepted on behalf of the United States Government. Prior to 2008, the value of gifts that could be retained was \$305.

## **Outside Employment and Activities**

Service with Non-Federal Organizations – If, in a private capacity, you serve as an officer or director of an outside organization, such as a professional association, you may not participate as an ESA employee in any matter that is likely to affect the financial interests of the organization. This may preclude you from serving with organizations that are active in matters before your office. If it would benefit ESA to have an official relationship with a private organization, you may be assigned as a liaison to the organization, in which case your service with the organization would be in an official capacity, rather than a personal capacity. However, you may not be assigned to serve in an official capacity as an officer or director of a non-Federal organization (other than a standards-setting body).

Working for State, Local, or Tribal Governments – Federal employees may not participate in matters affecting the financial interests of any outside employer. Because state, local, and tribal governments have an interest in the conduct of the decennial census, ESA

employees with responsibilities relating to the decennial census and Census employees working on the decennial census may not accept outside employment with a state, local, or tribal government in most circumstances.

Representing Others Before Federal Agencies – Employees in ESA, like all Executive Branch employees, are barred from serving as an agent or attorney for, or, if paid, otherwise representing, anyone before a Federal agency or Federal court. This generally bars any communications made with the intent to influence Government action. However, you may contact other agencies in an official capacity if the communication supports an agency program, including contacting the Bureau of Citizenship and Immigration Services of the Department of Homeland Security (the successor agency to the Immigration and Naturalization Service (INS)) to recommend a residency permit for an individual whose presence in the United States directly supports a Department program. Such contacts may only be made to support an agency program and should be approved by a senior official in ESA.

### **Political Activities**

Use of Access to E-Mail – It is important that you do not send, or even forward, political messages using your Government e-mail account or your Government computer to access a private e-mail account. Such use of Government resources is an improper political activity and is the most frequent basis for referrals to the Office of Special Counsel for disciplinary action.

Holding an Elective Office with a State, Local, or Tribal Government – The statute that restricts Federal employees from engaging in political activities bars you from running for office in a partisan election, but does not prohibit you from running for office in a non-partisan election—an election in which candidates are not identified by party affiliation. However, ethics rules regarding outside activities may preclude you from holding a position with a local government if your Federal position entails working on matters in which that government has a financial interest or is actively involved. It is this ethics rule, rather than the political activity rules, that bars ESA and Census officials with decennial census responsibilities from holding elective office in a local government.

Political Activities by Employees in Field Offices – If you are authorized to use a private vehicle in the conduct of official duties, you may not display on the vehicle any partisan political sign or sticker while performing Government duties. You must cover any such sign or sticker on your car during the period in which the vehicle is used for official Government work.

Temporary and Intermittent Workers – Although most employees are barred from engaging in some political activities during non-duty hours, such as fund-raising or running for office in a partisan election, these restrictions do not apply to temporary and intermittent employees, including many employees hired for a short period of time to work

on the decennial census. Such employees are barred only from engaging in political activities during duty hours or on Federal premises and from using Government resources or the authority of their positions for partisan political purposes. If you have a question as to which rules apply to you or a co-worker, contact the Ethics Law and Programs Division at 202-482-5384 or [ethicsdivision@doc.gov](mailto:ethicsdivision@doc.gov).

## **Misuse of Government Resources**

Protection of Information – ESA employees must be particularly careful to safeguard non-public information to which they have access, such as protected census and economic data. Even data that will be released to the public may not be used until disclosure is authorized. Misuse of such information may lead to criminal prosecution as well as disciplinary action.

Employment Decisions by Political Appointees – If you are a political appointee, you were required to sign an Ethics Pledge in which you agree that any hiring or other employment decision you make is based on the candidate’s qualifications, competence, and experience.

## **Seeking Employment and Post-Employment Activities**

Definition of “Senior Employee” – The definition of “senior employee” for purposes of post-employment restrictions means anyone receiving base pay equivalent to or greater than 86.5% of Executive Level II, which in 2010 is equal to or greater than \$155,440. If your base pay is this amount, you will be subject to the one-year “no-contact” rule and the restrictions on representing or advising foreign governments.

Restrictions on Senior Employees – If you are a senior employee (an employee paid at \$155,440 per year or more), you will be barred after leaving Federal service from contacting any official of your former agency on behalf of someone else with the intent to influence Government action for a period of one year. For purposes of this restriction, your agency is the Department’s Office of the Secretary, the Office of the Inspector General, and ESA (excluding the Bureau of the Census but including the Bureau of Economic Analysis), unless you are a Presidential appointee, in which case your agency is the entire Department of Commerce.

New Restrictions Applicable to Political Appointees – If you are a political appointee, you are required to sign an Ethics Pledge in which you agree to a number of restrictions that will apply after you leave Federal service. These restrictions, which do not apply to career Federal employees, are that:

- for the remainder of the President’s Administration, you will not lobby (provide services that require registration under the Lobbying Registration Act) any political appointee in the Executive Branch, or any admiral or general;
- if you leave Federal service to become a lobbyist or work for a lobbying organization, you will not seek or accept employment with a Federal agency that

- you lobbied during the prior two years; and
- if you are a senior employee (annual base pay of \$155,440), for two years after leaving Federal service you will not represent anyone before your former agency, which is ESA (excluding Census but including BEA) and the Office of the Secretary (or, for the Under Secretary, the Department of Commerce).

The requirement to sign an Ethics Pledge, and the imposition of these restrictions, are based on an Executive Order on ethics that the President issued on January 21, 2009.

Exceptions with Regard to Post-Employment Work for State and Local Governments –

There are exceptions to some of the post-employment restrictions with regard to work for state or local governments. If you work for such an entity after leaving Federal employment, you should seek specific advice from the Ethics Law and Programs Division as to the restrictions that will apply to you and whether exceptions apply regarding specific representational activities.





## CITATIONS TO APPLICABLE LAW

ESA

### **Financial Conflicts of Interest**

18 United States Code (U.S.C.) § 208  
5 Code of Federal Regulations (C.F.R.) §§ 2635.401-2635.403, 2635.502,  
2640.201-2640.202

### **Appearances of Bias (Non-Financial Conflicts of Interest)**

5 C.F.R. §§ 2635.501-2635.503  
Executive Order 13490, dated January 21, 2009

### **Gifts, Bribes, and Salary Supplementation**

5 U.S.C. §§ 7342, 7351, and 7353; 15 U.S.C. § 1522; 18 U.S.C. §§ 201 and 209  
5 C.F.R. §§ 2635.201-2635.205, 2635.301-2635-304; 41 C.F.R. Part 304-1  
Department Administrative Order 203-9  
Executive Order 13490, dated January 21, 2009

### **Outside Activities and Lobbying the Government**

18 U.S.C. §§ 203, 205, and 208  
5 C.F.R. §§ 2635.801-2635.809

### **Political Activities**

5 U.S.C. §§ 7321-7326; 5 C.F.R. §§ 734.201-734.702

### **Misuse of Government Position and Resources**

18 U.S.C. § 641; 5 C.F.R. §§ 2635.701-2635.705  
Department of Commerce Internet Use Policy

### **Seeking Employment and Post-Employment Restrictions**

18 U.S.C. § 207; 41 U.S.C. § 423  
5 C.F.R. Parts 2635, 2637, and 2641; 15 C.F.R. §§ 15.11-15.18; 37 C.F.R. Part 10  
Executive Order 13490, dated January 21, 2009

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